

CONFIDENTIAL
WEEKLY HOT ISSUES REPORT for RA/DRA Region 8
Week ending November 18, 2016

OFFICE OF WATER PROTECTION

DRINKING WATER PROGRAM LEAD AND COPPER RULE DIRECT

IMPLEMENTATION WORK WYOMING UPDATE: For the June through September 2016 Monitoring Period, four Wyoming Public Water Systems (Hi-Country Water District, Wapiti Elementary School, Town of Bairoil, and Sunny Meadows Village) exceeded the action level for copper. Action Level Exceedance letters were mailed to each system with instructions on next steps in the last two weeks with the exception of the Hi-Country Water District. Hi-Country began corrosion control treatment in 2007 after the EPA ordered the system begin treatment in 2005. This treatment was discontinued at some point and the system is now showing exceedances again. Region 8 will issue a Treatment Technique violation this week to the system mandating that they reinitiate the phosphate-based corrosion control treatment immediately. The Wapiti Elementary School (population 25) in Park County, Wyoming, also had a lead exceedance. The school has taken the water fountains with the elevated lead and copper levels off-line and is working to determine sources. Sampling indicates some of the copper could be from the ground water source. Only one Wyoming system failed to monitor during the June-September monitoring period; the Lone Tree Village. We are sharing all information with the Wyoming Department of Environmental Quality as per our standard process.

Separately, last week, the Town of Pinedale reinitiated sodium silicate corrosion control treatment and provided public notice as required. The EPA sent a follow-up letter to Pinedale modifying the acceptable dosage and acceptable pH range.

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DRINKING WATER PROGRAM LEAD AND COPPER RULE (LCR) - TRIBAL

DIRECT IMPLEMENTATION UPDATE: For the June through September 2016 Monitoring Period, three Region 8 tribal Public Water Systems (Birney Village, Northern Cheyenne Reservation; Flandreau BIA School, Flandreau Reservation; and White Mesa Water System, Uintah-Ouray Reservation) exceeded the action level for lead. The White Mesa Water System also exceeded the copper action level. Action level exceedance letters were mailed to each system with instructions on next steps. Region 8 staff has also reached out to these systems, and has provided significant technical assistance to the Flandreau BIA school. Region 8's tribal technical assistance contractor will assist White Mesa on their required follow-up activities. Their operator is also attending the upcoming LCR 8-hour training in Towaoc on December 13, 2016. Additionally, two tribal systems failed to monitor during the June through September monitoring period, Uriah Heeps Spring Water System and Whiterocks Water System, on the Uintah Ouray Reservation. Both Systems have been sent Failure to Monitor violation letters and have pending enforcement actions for numerous other drinking water violations.

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DRAFT UIC PERMITS ISSUED FOR DEWEY BURDOCK ISR SITE: As early as Monday, November 21, 2016, Region 8 anticipates issuing draft Underground Injection Control (UIC) permits and an aquifer exemption decision to Powertech USA, Inc. for a proposed uranium in-situ recovery (ISR) project northwest of Edgemont, South Dakota. These UIC permits will be the first the EPA has directly issued for uranium recovery nationwide, and include some requirements that will be new to the uranium ISR industry to ensure adequate protection of underground sources of drinking water (USDWs). The proposed project site is near the Black Hills, where at least 38 tribal nations have historic claims or consider this area to be sacred. Through consultation over the past several months, several tribes have raised concerns about potential impacts on historic properties of cultural importance. Following issuance of the draft permits, Region 8 will provide interested tribes and other stakeholders specific information about how the UIC permits propose to protect USDWs at the site. There will be a 75-day public comment period (vs. the 30-day regulatory requirement), and four public outreach events (including hearings) in January near the site to allow ample opportunity for tribes and other stakeholders to provide comments. Region 8 will continue to encourage interested tribes to consult with us through the permitting process. Because of the tribal concerns raised and the proximity of this project to the Dakota Access Pipeline where some of the same Tribes are engaged (e.g., Standing Rock Sioux), we expect to receive many adverse comments and that a final decision to issue UIC permits would be appealed. Region 8's Office of Water Protection/UIC and Public Affairs programs are coordinating closely with the Office of Water, the Office of [HYPERLINK

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UPDATE ON PFCs IN SECURITY-WIDEFIELD DRINKING WATER AS OF NOVEMBER 16, 2016: On Wednesday, November 16, the El Paso County Public Health (EPCPH) notified Pat Pfaltzgraff at the Colorado Department of Public Health and Environment (CDPHE) and Sarah Bahrman that CDPHE and EPA funding for sampling related to perfluorinated compound (PFC) contamination has been exhausted. However, EPCPH stated that they are committed to finding other ways to continue testing private wells.

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REGION 8 RAISES CONCERNS WITH DRAFT HARMFUL ALGAL BLOOM RECREATIONAL WATER QUALITY CRITERIA PROPOSED FOR PUBLIC RELEASE IN DECEMBER: The Office of Water's (OW) Office of Science and Technology has been working to develop draft recreational water quality criteria to assist states in protecting the public from the effects of Harmful Algal Blooms and associated algal toxins when engaging in primary contact recreation. They have formed an Action Development Process (ADP) work group to gain input from nutrient experts in Headquarters (HQ) offices and in the Regions. Region 8 is among four regions represented on the work group. OW is striving to put the proposed criteria out for public comment in December 2016. On November 9, HQs indicated that they plan to modify the proposed allowable frequency for exceedances of the toxin criteria from

a “not-to-be exceeded” value to allowing 10% of the samples to exceed. Region 8’s representative to the work group raised a concern with this change without further review of whether the frequency ensures protection of human health and aligns with the studies used to establish the underlying criterion. Water division directors for the work group regions were asked on November 15 for their concurrence on moving the criteria document forward to public release with less than one full day’s notice. Although the ARA for Region 8’s Office of Water Protection responded that we concur with moving the criteria document forward, we did raise the concern about the exceedance frequency and asked that the work group be given sufficient time to fully engage a discussion on that issue and consider potential alternatives. If that does not occur, the Region may wish to concur with comment when the draft final criteria document moves forward.

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